

HOFLAND & TOMSHECK
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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

DONNELL HENRY,

Defendant.

Case No.: 2:20-cr-00148-JAD-BNW

Stipulation and Order to Continue
Sentencing and Disposition Date

IT IS HEREBY STIPULATED AND AGREED by and between Christopher Chiou, Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the United States of America, and Joshua Tomsheck, Esq., counsel for Defendant, DONNELL HENRY, that the Sentencing and Disposition currently scheduled for January 31, 2022 at 2:00 P.M. to a date and time to be set by this Honorable Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. This is the second Sentencing and Disposition continuance request.
2. The additional time requested herein is not sought for purposes of delay, but to address important issues relating to the sentencing.
3. Defense Counsel had a family medical emergency arise during the week and needs additional time to prepare for the sentencing.
4. Defendant is in custody and does not object to the continuance.
5. The parties agree to the continuance.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

1 7. For the above stated reasons, the parties agree that a continuance of the Sentencing and
2 Disposition Date would best serve the ends of justice in this case.

3
4 DATED this 26th day of January, 2022.

5
6 CHRISTOPHER CHIOU
7 ACTING UNITED STATES ATTORNEY

8 /s/ Melanee Smith
9 MELANEE SMITH, ESQ.
Assistant United States Attorney

/s/ Joshua Tomsheck
JOSHUA TOMSHECK, ESQ.
Attorney for Defendant

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Plaintiff,

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FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

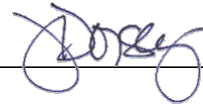
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3. Defense Counsel had a family medical emergency arise during the week and needs additional time to prepare for the sentencing.
4. Defendant is in custody and does not object to the continuance.
5. The parties agree to the continuance.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition Date would best serve the ends of justice in this case.

ORDER

IT IS HEREBY ORDERED that the Sentencing and Disposition date in the above-captioned matter currently scheduled for January 31, 2022 at 2:00 P.M. be vacated and continued to March 7, 2022, at 3:00 p.m.

DATED this 27th day of January, 2022.



UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck
Joshua Tomsheck, Esq.
Nevada Bar No. 009210
Attorney for Defendant

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